

Statement by Edmund Cohen  
To the Public Interest Declassification Board  
On the CIA Declassification Program  
23 June 2006

As head of the Office within our Directorate of Support, responsible for the CIA declassification program, I want to thank the Panel for the opportunity to explain how the Agency conducts this important activity and, in the process of that explanation, hopefully dispel some misconceptions about the Agency's approach to declassification.

With me today are the key CIA officers involved in our declassification program. These include my deputy, Mr. Joe Lambert and Mr. Herb Briick, the Chief of our Information Review and Release Group. In addition, present today is the Chief of our 25-year Declassification Program, the Chief of our Public Information Programs Division - which deals with our Freedom of Information (FOIA) and Privacy Act obligations, and the Chief of our Historical Collections Division, which is responsible for CIA support to the State Department in its Foreign Relations of the United States series as well as discretionary declassification projects and other special taskings. Also in attendance are the Agency's Information Review Officers, each of whom represents one of the Agency's directorates and the Director's area, and who are responsible for making declassification decisions on behalf of their directorate.

I begin with these introductions intentionally, because I think it is important to emphasize that CIA has a group of officers who are dedicated to this challenging task, a task that is poorly understood and frequently mischaracterized in public discussions.

Their responsibility, in its most basic sense, is to decide when a secret is no longer a secret. Let me repeat that: to decide when a secret is no longer a secret. I cannot overstate the inherent tension that exists in balancing that responsibility with the core values of an organization whose very existence is centered on the acquisition and analysis of secret information for the purpose of protecting the security of this country. Most of the members of the Panel have been responsible for activities in the US intelligence program, whether in a management role or an oversight capacity, so I believe you can appreciate the tension I am referring to.

Many factors are involved in reaching declassification decisions, some of which may not be immediately apparent to outside observers. And despite the development of carefully considered guidelines, declassification remains an inherently subjective area, in which reasonable people can and do disagree. I can assure you that vigorous internal Agency discussions are a frequent occurrence in reaching these decisions. What one officer sees as a risk, another sees as an opportunity. What one sees as a contribution to the understanding of history, another sees as endangering future intelligence collection efforts.

Given the responsibilities the CIA is charged with, it should not be surprising that the balance that is struck on a declassification question often falls short of what the academic community or the news media believe is appropriate. What is surprising, as I will illustrate in this briefing, is the extent to which the CIA has embraced the importance of both public access to government records and public knowledge of the role played by intelligence in developing our national security policies. Today, for example, a few clicks on the public CIA FOIA web site will provide anyone access to hundreds of declassified National Intelligence Estimates on the Soviet strategic nuclear program, the record of our analysis of the Vietnam conflict, or the intelligence community's perspectives on China over the years. Similarly, the public web site of the Center for the Study of Intelligence contains hundreds of declassified articles from the CIA in-house journal, *Studies in Intelligence*. There is no intelligence organization in the world that has made as much of its work public as has the Central Intelligence Agency.

Let me now describe our overall declassification program and the activities of its key elements.

#### The Information Review and Release Group

The Information Review and Release Group is the umbrella organization within which the CIA declassification effort is conducted. It is one of three groups in the Office of Information Management Services, which I lead. The other two groups in the Office are responsible for managing CIA's records and classification policies, and for providing the technology needed to conduct our declassification and records management efforts.

Within the Information Review and Release Group are three divisions dealing with FOIA, with the 25-Year Program, and with Historical Declassification, as well as a staff that assists the Agency's Publication Review Board - which reviews proposed publications by current and former employees. Much of this work is supported by the staffs of the directorate information review officers, I referred to earlier.

### The FOIA/Privacy Act Program

Let me first speak about the FOIA and Privacy Act Program. Over the past eight years the CIA has maintained a vigorous effort to fulfill its obligations under the Freedom of Information Act and Privacy Act. A lack of sufficient attention to those obligations in previous years resulted in the accumulation of a large backlog of FOIA requests that had not received a response. Since 1998, the CIA has reduced its FOIA backlog every year, from a high of almost 5,000 cases in 1998 to less than 1,000 by last October. According to a 2004 GAO study of Executive Branch performance on FOIA, CIA was the only federal agency that has consistently reduced its FOIA backlog of pending FOIA cases.

We at the Agency are very proud of this record, which was accomplished only through a sustained commitment on the part of all the officers and components involved. The CIA receives an average of 3,000 new FOIA cases each year, a fact that makes this achievement all the more noteworthy.

A similar success has been achieved in the reduction of our backlog in Executive Order Mandatory requests, a more specific type of information request that is accorded to the public under Executive Order 12958. In 2000 we had a backlog of over 1,000 such requests. By last October that number had been reduced to less than 300. As in the case of FOIA, the reduction took place in the context of receiving an average of 700 new mandatory requests each year.

In recent weeks, the Agency has received criticism from the National Security Archives--a prominent public access institution - regarding the number of old cases that remain in our FOIA backlog. We recognize the problem, which is the by-product of our conscious decision to focus on reducing the overall size of the backlog and respond to as many requesters as possible rather than devote our resources to a smaller number of older cases which typically are more complex, and involve much larger numbers of documents. These cases also frequently

involve topics of continuing litigation with the Department of Justice, which precludes a response to the requester. We are now making a concerted effort to close at least 25 percent of our oldest cases this year, but this work is coming at the expense of our performance in other areas. Such tradeoffs are unavoidable, and we do our best to achieve what we believe will have the greatest overall public benefit.

### The 25-Year Declassification Program

Now, I will turn to the CIA's 25-Year declassification program. The CIA Declassification Center is responsible for fulfilling the Agency's responsibilities under the automatic declassification provisions of Executive Order 12958. Since the Order was issued in 1995, the CIA has reviewed 97 million pages of its records, of which 30 million have been declassified and released to the public. These figures are particularly noteworthy when it is remembered that they represent the commitment of an intelligence agency to the spirit of openness reflected in the Executive Order. Based on the statistics provided by the Information Security Oversight Office, only the Department of Defense and the State Department have declassified more pages than the CIA.

CIA's commitment to the Order is reflected in more than just the numbers I have mentioned. The CIA has taken a number of steps in its 25-year program that distinguish its performance in meeting the goals of the Executive Order:

- First, I would note that the CIA has adopted a declassification approach that emphasizes the redaction of sensitive information, rather than employing the more draconian document pass/fail approach allowed by the Executive Order. Despite the considerably increased expense entailed in redacting documents, we chose to do this because otherwise very little Agency information would have been declassified.
- Second, we are the only agency in the government that makes declassified records available to the public on a timely basis. We declassify and release our records, an important distinction not widely appreciated. Other agencies are dependent on the National Archives to release the records they have declassified, but resource constraints at the Archives have led to an immense backlog of declassified records—some 450 million pages -

waiting to reach the public shelves. The CIA makes newly declassified records available to the public every year.

- Third, the CIA not only makes its declassified records available on a timely basis, but we do it in an extremely customer-friendly fashion. Almost 10 million of the 30 million pages we have declassified are available to researchers at NARA's College Park facility in a full-text, electronically searchable system known as the CIA Records Search Tool, or CREST. The four CREST terminals at NARA are extremely popular with researchers, and almost 200,000 pages were printed from the system last year. We also installed a CREST terminal at the Carter Presidential Library last year, and scholars now have electronic access to almost 15,000 pages of declassified CIA records there.
- Fourth, in partnership with NARA, the CIA has taken the lead role in the electronic scanning of classified records at the Presidential Libraries to help over 25 government agencies to more efficiently review these documents. Under what is known as the Remote Archive Capture Program, or RAC, the CIA has scanned some three million pages of classified records at the Eisenhower, Kennedy, Johnson, Ford, and Carter Presidential Libraries, as well as the Nixon Presidential material at NARA II in College Park, MD. The CIA appreciates the historical significance of the records located in these libraries, and we have tailored our 25-year declassification effort to ensure the maximum amount of that material is reviewed for release.
- Fifth, in an effort to address the complex problem of ensuring the prompt and accurate review of documents containing classified information from more than one agency - what we refer to as the equity identification and referral problem - the CIA has been a proactive participant in the intelligence community's External Referral Working Group, the ERWG. Rich Warshaw, the Chief of the CIA Declassification Center, serves as Chairman of the working group, which numbers over 25 agencies and develops the processes and procedures to support classified document referrals between agencies. Ensuring timely and accurate treatment of such documents has been particularly important to the CIA, and we have introduced two technological tools to assist other agencies in this process. First is the Document

Declassification Support System, introduced in December 2005, which facilitates the referral, throughout the declassification community, of documents containing information of multiple agencies. And, second, a system known as the State of the Art Information Review System, or STAIRS, that enables other government agencies to conduct an automated review of the Presidential Library material collected under the RAC program I mentioned earlier. These are but two of a number of technological efforts CIA has introduced to the declassification process. We also have taken innovative steps in the detection of duplicate documents, and in attaining higher quality assurance in the declassification review effort.

### The CIA Historical Review Program

Finally, let me now move to the third major component of the CIA declassification effort, our historical review program. This program deals not only with legally-mandated declassification requirements such as the State Department's Foreign Relations of the United States series and the JFK Assassination Records Review Act, but also with a variety of discretionary declassification projects aimed at providing background on a wide range of important Agency undertakings.

These discretionary projects have their origins in a number of places: some have been identified by previous Directors, others have been promoted by the National Intelligence Council or the CIA's Center for the Study of Intelligence; some are put forward by the Director's Historical Review Panel, and others are initiated by my own staff based on their knowledge of potential opportunities to provide the public a better understanding of the CIA. Regardless of their origin, these projects represent a critical component of our declassification effort, in that unlike our FOIA and 25-year programs, they provide the Agency the ability to present a more complete story told in context.

While from a resource standpoint the historical review program is the smallest of our declassification components, it attracts particular attention from scholars and the media. Whether in the context of support to the diplomatic history volumes of the State Department, or in the discretionary projects we have undertaken, the focus of the program is to "push the envelope" beyond the normal declassification guidelines we employ in our other programs. In the case of the Foreign Relations series, we must continually deal with the

challenge of determining the extent to which covert actions can be declassified to provide a fuller picture of how US foreign policy was developed and implemented.

It is not surprising that the advocates of the historical community typically look at this problem through a different lens than that of Agency officials who are responsible for conducting day-to-day activities with their foreign counterparts. Indeed, there are continuing debates within CIA itself on where the appropriate balance rests in such matters.

Despite the difficulties involved in addressing this inherent tension, the CIA has produced a large number of declassified studies that provide a rich body of evidence on the role played by intelligence in modern US history. Over the last decade these efforts have included the declassification of:

- Almost 700 National Intelligence Estimates (NIEs) and related reports dealing with the nuclear weapons program and foreign policy of the Soviet Union;
- 24 NIEs and other intelligence products dealing with the collapse of the Soviet Union;
- Over 120,000 pages of finished intelligence on the Soviet Union produced by the Directorate of Intelligence;
- 71 NIEs on China produced between 1948 and 1976;
- All 174 NIEs and related reports dealing with Vietnam between 1948 and 1975;
- Almost 4,400 documents totaling over 12,000 pages dealing with the 1954 covert action in Guatemala;
- Over 8,600 documents totaling almost 39,000 pages relating to the assassination of President Kennedy that were completed six years ahead of the schedule specified by the JFK Assassination Records Review Board; and,
- Hundreds of articles from the CIA in-house journal *Studies in Intelligence* depicting a wide range of intelligence tradecraft topics.

In addition to these accomplishments, the Agency has a number of other projects underway as part of its historical review program. These include the declassification of

- 34 NIEs on Yugoslavia from late 1940s to 1990;
- 13 studies totaling over 2,000 pages dealing with proposals to reorganize the intelligence community during the 1948-61 time period;

Three collections of detailed analytic assessments of international communism, including 42 documents focused on the Soviet leadership from the early 1950s to the 1970s, 39 documents dealing with the People's Republic of China from 1961 to 1973, and some 65 documents addressing the Sino-Soviet split between 1959 and 1972;

- Monographs on the conduct of CIA activities in Vietnam during the course of that conflict; and
- Hundreds of clandestinely acquired documents depicting Soviet and Warsaw Pact military planning for conflict in Europe during the Cold War.

#### Recent Concerns Regarding the Reclassification of Records

I want to close this statement with a few remarks providing clarification on an issue that has attracted much attention in recent months: the allegation that CIA is actively engaged in the reclassification of records that previously had been available to the public at the National Archives. I know that the Board itself has been engaged on this topic, and you expressed your concerns to the former Director in your letter of 25 May.

Let me state in unequivocal terms that the allegations of the existence of a CIA program to reclassify previously declassified documents are completely false. There is no such program, and there never has been.

What the CIA has done is simply this: when we discovered—either through our own efforts or, more often, when NARA or other agencies brought it to our attention that records containing classified CIA information had been mistakenly released to the public by another agency without the CIA having



had the opportunity to review them, we asked that the records be removed from public access.

This action does not constitute reclassification, because proper declassification never took place in the first instance. Unfortunately, virtually all of the public discussion on this matter to date has failed to recognize that fact, including, I regret to say, the Board's recent letter to the Director.

I would like to underscore that this distinction is not a semantic point. The requirement to accurately identify classified information controlled by other agencies is central to the proper implementation of the Executive Order and the Freedom of Information Act. As I noted previously, the CIA has invested much effort and expense to ensure that all agencies have the necessary understanding of this complex problem. Indeed, as I have noted, we chair an interagency panel known as the External Referral Working Group that was established for the express purpose of dealing with this problem. And the CIA is not alone in its concerns in this matter: the Kyle-Lott Amendment is the legislative response to a widespread failure of agencies to properly identify sensitive information related to nuclear weapons.

The recent audit performed by the Information Security Oversight Office (ISOO) identifies some 4,200 records the CIA has asked to be withdrawn from public access at the National Archives. These records amount to about 20,000 pages in total. Seventy-five percent of these records were located in one mistakenly released collection from the State Department's Bureau of Intelligence and Research (INR) that the National Archives brought to our attention in 1999. The recent ISOO sampling of these documents indicated that 50 percent were appropriate for continued classification, a figure that underscores the importance of ensuring proper interagency review procedures take place before classified documents are released to the public.

The audit also found that the withdrawal of 32 percent of the INR documents was inappropriate on classification grounds, and 18 percent fell into a questionable category. As the ISOO audit notes, we have acknowledged that unclassified documents were withdrawn with the intent to obscure the classified information that had been erroneously released by imbedding it in a larger withdrawn collection. In response to the Archivist's request, we are actively engaged in reviewing the

entire collection with the goal of restoring as much as possible, as quickly as possible, to public access.

This episode illustrates the fact that when classified records are mistakenly exposed to the public, there are no good options for correcting the problem. Withdrawing the documents entirely creates unique problems for scholars who may have previously accessed and copied them. Redacting the sensitive information in these circumstances only serves to highlight what is of concern to the government, if a researcher obtained a copy of the entire document earlier. And leaving the documents available in their original form risks exposure of classified information that still could be protected.

The withdrawal of documents with CIA information from the mistakenly released INR documents reflects the inherent dilemma of the situation. In retrospect it is clear that better communication between the CIA, the National Archives, and the ISOO could have addressed the concerns expressed by researchers, and prevented much of the misunderstanding that has surfaced in the media. The interim guidelines promulgated by the Archivist speak to this need for better communication.

We absolutely share the Board's view that the declassification efforts need far better integration and coordination. And we certainly see the potential in the proposed "National Declassification Initiative" to achieve that end. The hard fact remains, however, that the members of the Intelligence Community and the National Archives are inadequately resourced to properly address the challenge they face within the timelines specified by the ISOO and the Executive Order. The resource shortfall at NARA has been particularly acute, as can be seen by the fact that while the withdrawal of erroneously released documents involved some 20,000 pages of CIA material, NARA's resource constraints have prevented some 450 million pages of declassified records receiving the necessary administrative processing so that they can be made available to the public.

I hope this overview has given you a better understanding of the efforts the CIA has put into its declassification program. We realize that simply because we are the CIA, our actions often will be the focus of critical public scrutiny. I believe, however, a fair assessment of our record will show that it demonstrates a strong and continuing commitment to providing the public the historical documents necessary for an

understanding of the role played by the CIA in US national security policy.